

City Council Introduction: **Monday**, October 22, 2001
Public Hearing: **Monday**, October 29, 2001, at **5:30 p.m.**

Bill No. 01R-280

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1934**, requested by Mark Hunzeker on behalf of the Fraternal Order of Eagles Star City Aerie #4111, for authority to sell alcoholic beverages for consumption on the premises, on property generally located at 2112 Cornhusker Highway.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 10/03/01
Administrative Action: 10/03/01

STAFF RECOMMENDATION: Conditional approval.

RECOMMENDATION: Conditional approval (7-0: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Bills and Krieser absent).

ASSOCIATED REQUESTS: Waiver of Design Standards No. 01018 (01R-281)

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5.
2. This application was placed on the Consent Agenda of the Planning Commission on October 3, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.
4. This applicant has also requested Waiver of Design Standards No. 01018 to waive the parking lot surfacing requirements at the same location (Bill No. 01R-281).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 15, 2001

REVIEWED BY: _____

DATE: October 15, 2001

REFERENCE NUMBER: FS\CC\FSSP1934

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S. Special Permit #1934

DATE: September 18, 2001

PROPOSAL A special permit to allow the sale of alcoholic beverages for consumption on the premises.

LAND AREA: Approximately 1.21 acres.

CONCLUSION: If a waiver of the surfacing requirement is granted by the City Council, this request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
------------------------	----------------------

GENERAL INFORMATION

LEGAL DESCRIPTION: Lot 56 I.T., in the SE 1/4 of Section 12, T10N, R6E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: 2112 Cornhusker Highway

OWNER: Zan It, L.L.C.
PO Box 80612
Lincoln, NE 68501

APPLICANT: Fraternal Order of Eagles
2112 Cornhusker Highway
Lincoln, NE 68521

CONTACT: Mark Hunzeker
1045 Lincoln Mall Suite 200
Lincoln, NE 68508

EXISTING ZONING: I-1 Industrial District

EXISTING LAND USE: Social Hall

SURROUNDING LAND USE AND ZONING:

North	Warehousing/Distribution	I1
South	Automobile Sales	H3
East	Vacant	I1
West	Plumbing Contractor/Automotive Repair	I1

ASSOCIATED APPLICATIONS: WAIVER #01018 - A request to waive the hard surfacing requirement for the parking lot has been submitted with this special permit application. The waiver does not require review and recommendation by the Planning Commission.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates industrial land use in this area.

ANALYSIS

OVERVIEW:

The Fraternal Order of Eagles Aerie #4111 recently purchased the existing building on this site, and has relocated from their former location at 2050 Cornhusker Highway, a site which had a liquor license. This special permit request is to allow for the sale of alcoholic beverages for consumption on the premises.

1. SPECIAL PERMIT REQUIREMENTS PER LMC 27.63.680: Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1, H-2, H-3, H-4, and I-1 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions, which are waiveable by the City Council:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

The parking lot does not have a hard surface. As a result, it does not comply with the requirements of LMC Section 27.67.020 unless a waiver is granted by the City Council. A request to waive the hard surfacing requirement has been submitted and will accompany this special permit application for City Council's consideration. The application states the Aerie anticipates paving within four years. This is a reasonable amount of time to allow the paving to be deferred and will be included as the recommendation to City Council. This waiver can be revoked at any time by the City Council if the dust levels exceed those allowed under LMC Title 8.

(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under Section 27.63.680 of this code.

This application is for a special permit to allow for on-premises consumption.

(c) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.

There are no residences or residential districts within 100' of the premises.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

All lighting will be required to comply with the Design Standards for parking lot lighting (Chapter 3.45, Section 3.8).

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not being proposed.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are proposed with this special permit.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The door faces west and does not face a residential district.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

No residential streets are used to access this site.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or

(2) Repeated violations related to the operation of the permittee's business.

Planning Commission review and City Council approval is required for this use.

2. POLICE RESPONSE: The Lincoln Police Department has no objections to this special permit request.

CONDITIONS:

1. This approval permits the sale of alcohol for consumption on the premises at the establishment located at 2112 Cornhusker Highway provided a waiver to the surfacing requirement is granted by the City Council.
2. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
3. This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
4. Construction plans shall comply with the approved plans.
5. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will
Planner

SPECIAL PERMIT NO. 1934

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

October 3, 2001

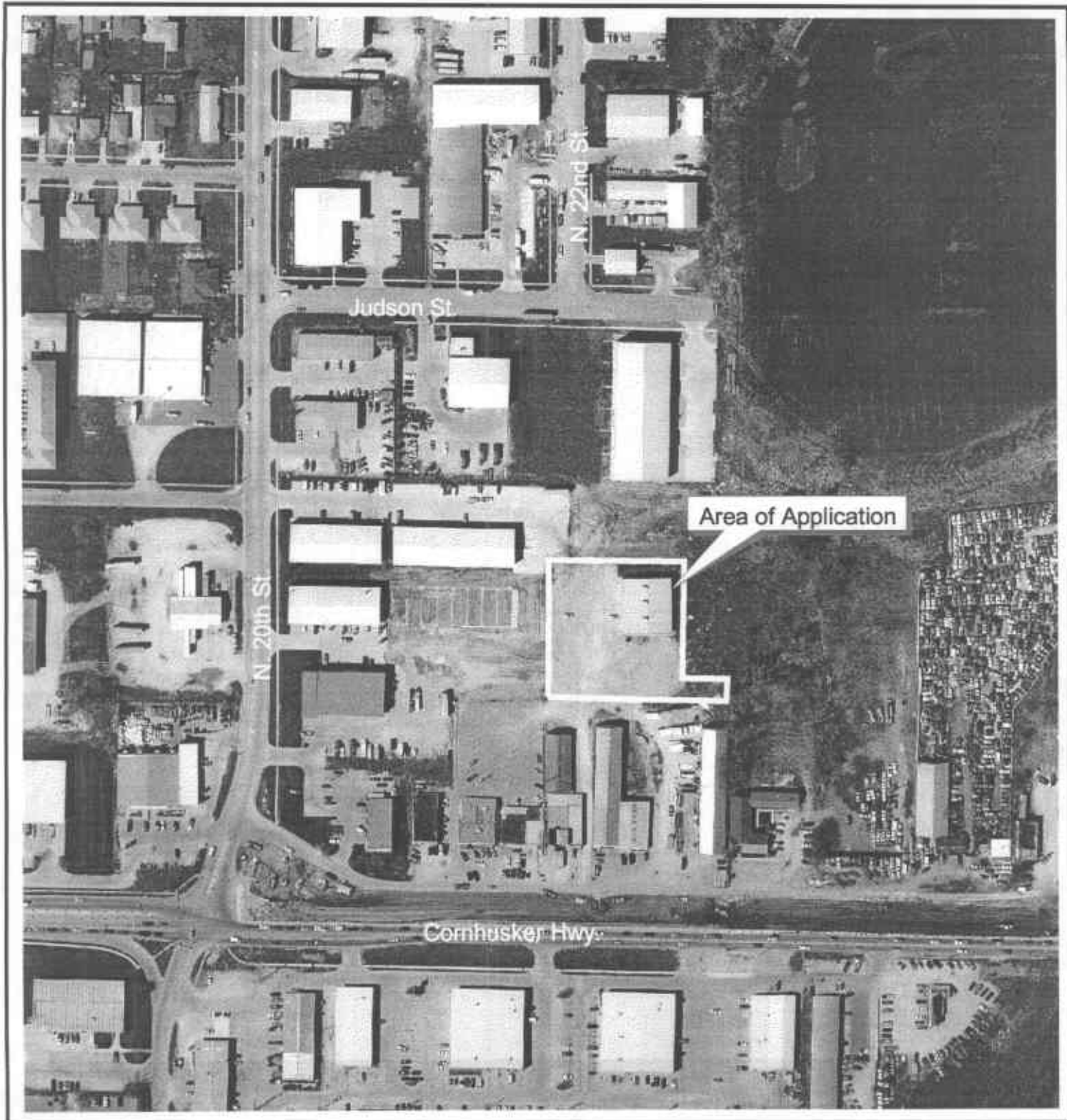
Members present: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor; Bills and Krieser absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3341; SPECIAL PERMIT NO. 1013-I; SPECIAL PERMIT NO. 1920; SPECIAL PERMIT NO. 1922; SPECIAL PERMIT NO. 1931; SPECIAL PERMIT NO. 1932; SPECIAL PERMIT NO. 1933; SPECIAL PERMIT NO. 1934; FINAL PLAT NO. 01009, HARTLAND HOMES EAST 5TH ADDITION; FINAL PLAT NO. 01021, NORTH CREEK COMMERCIAL PARK; COMPREHENSIVE PLAN CONFORMANCE NO. 01003 and STREET AND ALLEY VACATION NO. 01015.**

Item No. 1.3, Special Permit No. 1920; Item No. 1.7, Special Permit No. 1933; and Item No. 1.12, Street and Alley Vacation No. 01015, were removed from the Consent Agenda and had separate public hearing.

Duvall moved to approve the remaining Consent Agenda, seconded by Carlson and carried 7-0: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Bills and Krieser absent.

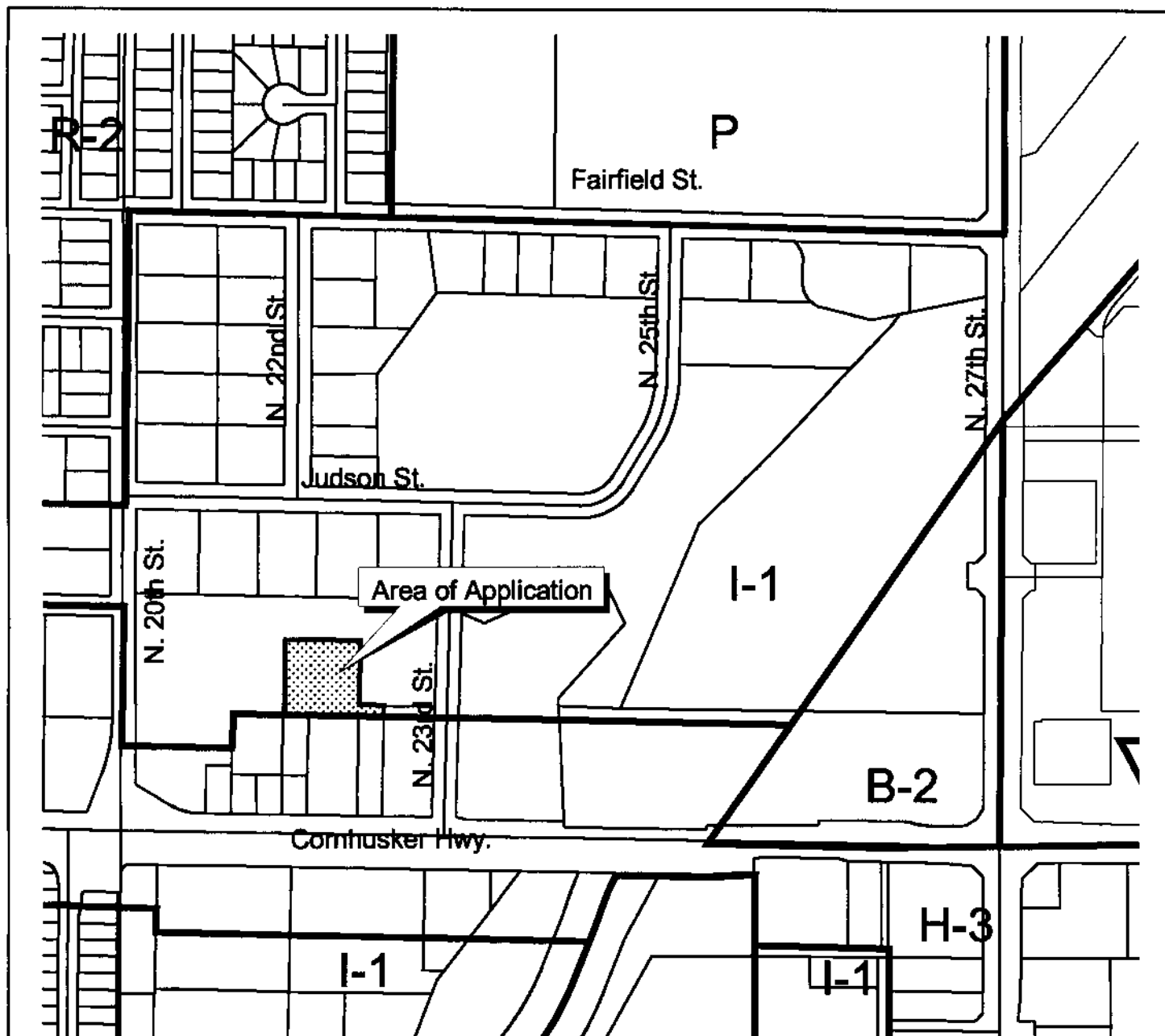
Note: This is final action on Special Permit No. 1920; Special Permit No. 1922; Special Permit No. 1931; Special Permit No. 1933; Hartland Homes East 5th Addition Final Plat No. 01009; and North Creek Commercial Park Final Plat No. 01021, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Special Permit #1934
2112 Cornhusker Hwy



007

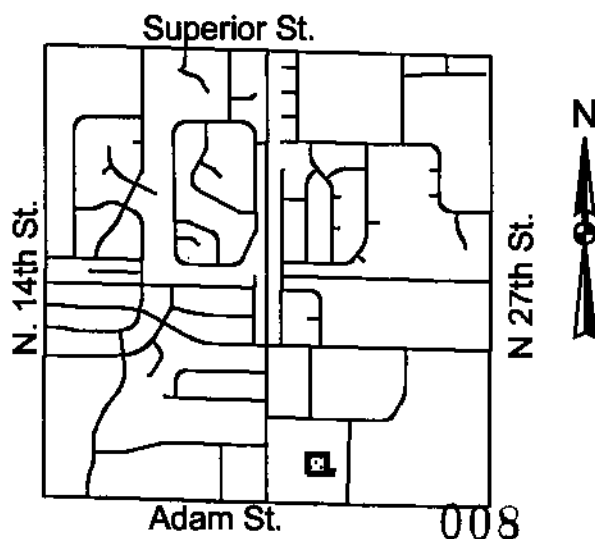
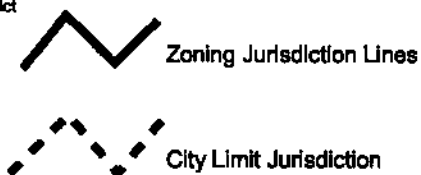


Special Permit #1934 2112 Cornhusker Hwy

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 12 T10N R6E



Date: 9/20/01
Lincoln City - Lancaster County Planning Dept.

ORIGINAL SITE INFORMATION PROVIDED BY:
ARCHITECTURAL DESIGN ASSOCIATES, P.C.